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MR. KESSLER
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAXWAY INTERNATIONAL CO., INC.,

Plaintiff,

-against-

PEPSICO, INC.,

Defendant.

07-CV-3634 (LMM)

STIPULATION AND ORDER
EXTENDING PLAINTIFF'S
TIME TO RESPOND TO
DEFENDANT'S COUNTERCLAIMS

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their undersigned counsel, that plaintiff Maxway International Co., Inc.'s time to answer, move or otherwise respond to defendant Pepsico Inc.'s counterclaims is extended up to and including October 9, 2007. This stipulation is without prejudice to, and does not waive or compromise, Plaintiff Maxway International Co., Inc.'s right to assert any applicable defense.

Dated: New York, New York
September 10, 2007

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SO ORDERED:

[Signature]
U.S.D.J. 9/11/07